



The Bar Council

Solicitors' liens over papers

Purpose:	To advise barristers of their professional obligations in relation to this subject
Scope of application:	All practising barristers
Issued by:	The Ethics Committee
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Status and effect:	Please see the notice at end of this document. This is not "guidance" for the purposes of the BSB Handbook I6.4.

Q. My lay client and his instructing solicitor have fallen out and my lay client is now instructing another firm. He has not paid his previous solicitors. I still possess a number of papers in the case forwarded to me by the first solicitors. The second solicitors wish to instruct me. Am I able to make use of the papers?

A. You should ask the first solicitors whether they wish to claim a lien over the papers. If they do not, you may use the papers. If they do wish to claim a lien, you should return the papers to them (not to the new solicitors) without copying them or using them. There is nothing to prevent you from keeping and using your own notes at any stage. You do not need to send your own notes, or copies of them, to the first solicitors.

Important Notice

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